

MEETING
STATE OF CALIFORNIA
SECRETARY OF STATE
VOTING SYSTEMS PANEL

SECRETARY OF STATE
1500 11TH STREET
AUDITORIUM
SACRAMENTO, CALIFORNIA

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APPEARANCES

PANEL MEMBERS

Mr. Bob Jennings, Chairperson

Mr. Chon Gutierrez

Mr. John Mott-Smith

Mr. Chris Reynolds

Mr. Bernard Soriano

Mr. Steve Trout

STAFF

Mr. Louis Dedier

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PROCEEDINGS

CHAIRPERSON JENNINGS: Good morning, everyone.

How's everybody enjoyed this what really, truly is kind of the first morning that feels like fall. I guess it went down below 48, I hear was the temperature this morning. So it really felt like fall has begun. It's just a beautiful morning.

My name is Bob Jennings. I'm Chairman of the Voting Systems Panel and also Under-Secretary of State.

I'd like to introduce the rest of the panel members. On my far left, Bernard Soriano, who is the Chief of our Information and Technology Division. On my immediate left, Chon Gutierrez, who is our Assistant Secretary for Operations. On my immediate right, John Mott-Smith, who is the Chief of the Elections Division. Next to him, Chris Reynolds, who is Assistant Secretary for Legislative Affairs and Constituent Affairs. And on my far right, Steve Trout, who is a Senior Counsel with the Elections Division.

And we'll move forward here on the agenda. I'm assuming that all of you do have a copy of the agenda.

I'd like to introduce also Ernie Hawkins, who is here. He's Registrar of our voters for Sacramento County, a member of our Advisory Committee to this panel.

Thank you for attending, Ernie.

1 We'll move ahead then with the agenda. I'd like
2 to make one change; and, that is, Item Number 5 will now
3 become Number 2. And of course the rest of those will
4 follow down in their place.

5 So Item Number 5, under "New business, vendors
6 name change or partnership agreement," will be the second
7 item of business.

8 Our first item of business then is Old Business,
9 a long range calendar, and action items from the previous
10 meeting.

11 So I'll turn that over to Lou Dedier, who is our
12 voting systems analyst extraordinaire.

13 Thank you.

14 MR. DEDIER: Yeah, at the last meeting we had
15 asked for a calendar to be put together, to let you guys
16 know what was upcoming in testing. So basically what I've
17 done was take the months until December and put everybody
18 in the hopper that's there. Now, all the testing is
19 subject to the vendors complying in making such tests.
20 And there has been numerous occasions where a vendor will
21 cancel a test or things will change along the way.

22 Basically there's nothing going on in November
23 for the VSP to take action on.

24 The next item -- the next meeting that will take
25 place would be 12/18. And on that date -- we will be able

1 to determine the agenda by about the 10th of November,
2 with the testing that's currently going on and going
3 forward. At that point, the next meeting will be
4 scheduled in January at some point.

5 So basically that calendar outlines exactly how
6 many systems that are in testing. And then, as you can
7 see, in January we have DIMS and Uni-Poll that should be
8 coming out and coming forward around January to February
9 this year. So it doesn't quite stop. The vendors are
10 still coming forward.

11 The ones that we know of that are in NASED that
12 have tentative dates coming out, I put those on and I've
13 noted that NASED, they're currently in testing. So those
14 dates are very tentative. If they don't come out at that
15 point in time, those dates aren't scheduled because their
16 application is considered noncomplete.

17 But that gives you a rough idea. So our next
18 meeting would be 12/18.

19 CHAIRPERSON JENNINGS: And I might say that that
20 meeting on the 18th in December will be the last meeting
21 of the VSP as it is presently constituted. Of course
22 we'll have a change of administrations on January 6th.
23 And it will be up to the new Secretary to reconstitute
24 this body.

25 So some of the members that are here I'm sure

1 will continue to serve and others won't, including your
2 Chairman.

3 Good.

4 MR. DEDIER: And that would be giving you the
5 calendar. And that would be it for that report.

6 PANEL MEMBER REYNOLDS: Can I ask for a
7 clarification?

8 On October 30th it indicates that there's a VSP
9 meeting. And that's not --

10 MR. DEDIER: Yeah, the meeting on the 30th has
11 already been noticed. I believe you guys should have
12 gotten a copy of it. That notice is basically the INK A
13 vote for Los Angeles. And they're currently in testing.
14 But that would be the only item currently on the agenda.
15 There's some procedures as well listed.

16 PANEL MEMBER REYNOLDS: So we will not meet
17 here --

18 MR. DEDIER: -- on the 30th.

19 PANEL MEMBER REYNOLDS: Thank you.

20 CHAIRPERSON JENNINGS: Any other comments
21 regarding the calendar?

22 It's nice to have this, Lou. I appreciate the
23 work that you put into this, because it gives us some idea
24 of what we're facing.

25 It appears that actually some of the -- that

1 there is a lot of testing going on. But I kind of sense
2 that we've reached a peak and we're beginning to either
3 plateau out or beginning to maybe just to define a little
4 bit in terms of total activity.

5 MR. DEDIER: Yeah, we are on a downhill slide.
6 The vendors that are coming in now are making it in on the
7 later portion of most of the counties looking for their
8 vendor. And as they're going through NASED a lot of them
9 got hit with the new standards that came out. And the new
10 standards are much tougher to get by in testing in the
11 more detailed tests.

12 The new systems that are out here basically got
13 caught in the Wyle, and Wyle's bottleneck is where they
14 sit. Because each system, no matter how many there is,
15 they all get tested the same. So basically each one -- it
16 runs 6 to 8 weeks to 12 weeks usually for testing. And
17 that's saying that everything runs perfect. And in a test
18 nothing does.

19 CHAIRPERSON JENNINGS: Thank you.

20 Then let's move on to, if there are no more
21 comments regarding the first item of business, the second
22 item of business, which is the vendors name change or
23 partnership agreement.

24 MR. DEDIER: Yes, we had some items come up with
25 some of the vendors partnering or doing name changes or

1 change of ownership or these type situations. So what
2 we've asked was for Ken Davis from the legal staff of the
3 Election Division to go ahead and give the VSP an overview
4 of how that applies.

5 So I'll turn it over to Ken.

6 STAFF COUNSEL DAVIS: Good morning.

7 As we mentioned, the staff has received numerous
8 notifications of significant changes in ownership of the
9 election system's vendors. And with that staff is
10 requesting that the Voting Systems Panel include as an
11 additional condition as part of a vendor's certification a
12 standard condition. And that would be a standard
13 condition going forward on any certification. And, that
14 is, that the Secretary of State receives notification of
15 any change in corporate name, principal business address,
16 any significant change in ownership, or strategic
17 alliances with publicly traded companies. And the
18 notification for change in business name, address and
19 ownership is important so that the Secretary of State
20 keeps abreast in written notification form of any changes,
21 for legal contact purposes.

22 And the reason for the notification of strategic
23 appliances with any publicly traded company is so that the
24 Voting Systems Panel can be informed of that, for any
25 conflict-of-interest purpose for any future votes.

1 So that would be a standard condition that we
2 think is important going forward.

3 CHAIRPERSON JENNINGS: Is this going to require
4 the development of a specific form that might be filled
5 out so that there's some uniformity to the information
6 provided?

7 STAFF COUNSEL DAVIS: I think we can easily do
8 that.

9 CHAIRPERSON JENNINGS: Thank you.
10 Do you have any comments?

11 Steve, do you have any comments?

12 PANEL MEMBER TROUT: Oh, I think that's a good
13 idea. The only concern I have is whether we need the
14 information on the strategic alliances. I think for sure
15 we need to be notified of ownership, address changes, that
16 sort of thing. But as far as strategic alliances, I don't
17 know that we're the body that's going to review conflicts
18 of interest and whether we need to have that information
19 before us; and whether if that's provided to us, if that
20 puts a duty on us to review conflicts of interest, which I
21 don't think this Board's prepared to do.

22 So I would go with the first part of the request,
23 but leave off the information regarding strategic
24 alliances.

25 CHAIRPERSON JENNINGS: All right. John, do you

1 have comments?

2 PANEL MEMBER MOTT-SMITH: Yeah. The purpose of
3 the notification about strategic alliances is for purposes
4 of disclosure and potential conflict on this Board, not
5 for review of contracts between vendors or counties.

6 CHAIRPERSON JENNINGS: Did everybody hear that?

7 Could not hear that.

8 PANEL MEMBER MOTT-SMITH: The purpose of the
9 information on business relationships with other companies
10 is for purposes of disclosure and potential conflict on
11 this body and no place else.

12 STAFF COUNSEL DAVIS: It would not require any
13 review of contracts or of the ownership structure of those
14 companies. It's just in discussions with John Mott-Smith,
15 we were considering whether the Voting Systems Panel needs
16 to know the ownership structure, that would include any
17 publicly traded companies, so that if it came to a vote,
18 it would know if any member held stock ownership. It
19 could -- a decision could be made then whether that panel
20 member needs to recuse himself from that vote.

21 CHAIRPERSON JENNINGS: I understand.

22 Is there a need for a motion with respect to
23 this? Is this an administrative procedure that can be
24 adopted by the panel as well as the Elections Division?

25 STAFF COUNSEL DAVIS: I think it can be an

1 administrative procedure. It's just a question of whether
2 you wanted to include the last item at this time as a
3 standard condition.

4 PANEL MEMBER SORIANO: Mr. Chairman, I have a
5 question.

6 With respect to the change of ownership and
7 change of address of publicly traded companies, has the
8 Elections Division checked with the Business Programs
9 Division with regard to the transfer of that information?
10 I believe that information is already filed with the
11 Secretary of State.

12 STAFF COUNSEL DAVIS: This is to give
13 immediate -- it would probably be so, that there would be
14 a filing with the Secretary of State's Office. But this
15 is just to be given immediate notification to the head of
16 voting systems so that we --

17 PANEL MEMBER SORIANO: A separate notification?

18 STAFF COUNSEL DAVIS: Yeah, separate notification
19 just so that we're apprised of that.

20 CHAIRPERSON JENNINGS: Mr. Gutierrez.

21 PANEL MEMBER GUTIERREZ: Thank you, Mr. Chairman.

22 I have a question for Ernie really.

23 As Lou -- particularly with Lou's presence, he's
24 done really an extraordinary job of putting this equipment
25 through its drills and making sure it meets some minimum

1 standards, which I think is very important.

2 You buy the systems, you're the one that makes
3 the decision about the systems, and in some respect rely
4 on what we do here by certifying the system in your
5 decisionmaking process.

6 What do you look for from us in helping you make
7 you're decision?

8 MR. HAWKINS: Ernest Hawkins, Registrar of
9 Voters, Sacramento County.

10 You're asking specifically about the Avante
11 system?

12 PANEL MEMBER GUTIERREZ: No. As you buy a
13 system, do you want to know that we know who owns it? Do
14 you want to know that we know that they have the ability
15 to produce the product? Do you want to know that we have
16 tested it and it meets rigorous standards? What do you
17 expect from our certification? What do you rely on when
18 you see "certified by Bill Jones"?

19 MR. HAWKINS: That's essentially the only thing
20 we rely on in terms of whether or not we're going to -- we
21 don't do any independent testing. We depend on the
22 Secretary of State to provide us with the necessary
23 certification that says the system does what it's billed
24 as doing and that it meets all of the statutory
25 requirements of the federal voting system standards and

1 other standards that are imposed by the State. We rely
2 completely on that certification.

3 PANEL MEMBER GUTIERREZ: And only that?

4 MR. HAWKINS: Right. We don't do any independent
5 certification ourselves at all.

6 PANEL MEMBER GUTIERREZ: And you certify that
7 they have the ability to produce the volume of equipment
8 that you need?

9 MR. HAWKINS: Correct.

10 PANEL MEMBER GUTIERREZ: And you certify that
11 they have the capital to finance it?

12 MR. HAWKINS: Yeah. The administrative decisions
13 that would be made after certification as part of the
14 purchasing process are well established within -- we have
15 very elaborate procedures --

16 PANEL MEMBER GUTIERREZ: So the information --

17 MR. HAWKINS: -- in determining whether or not
18 we're going to do business.

19 PANEL MEMBER GUTIERREZ: The information that we
20 would --

21 MR. HAWKINS: -- one of the conditions being that
22 it's certified -- a certified system.

23 PANEL MEMBER GUTIERREZ: So the information that
24 this would produce, you wouldn't use in your decision
25 making process?

1 MR. HAWKINS: Probably not. But we might ask
2 that information independently in order to assure
3 ourselves that the company that we're dealing with had the
4 financial resources and organizational structure and
5 staffing and whatever to do what they are telling us they
6 can do. And we would do that independently through our
7 purchasing process.

8 STAFF COUNSEL DAVIS: Then, Mr. Chairman, maybe I
9 can just explain the purpose behind this a little bit
10 more.

11 The best example I could give is: If Company X
12 had a strategic alliance with a publicly traded company,
13 call it XYZ Company, if that was disclosed to the Board at
14 the time of the certification or prior to the
15 certification, if one of the Board members had an
16 ownership interest, if it had a thousand shares of
17 publicly traded XYZ Company, would that be important for
18 the panel member to know, and should that panel member
19 recuse themselves from that vote? That was the intent.
20 It was not to look at the entire corporate finance
21 structure of that ownership -- of the strategic alliance.
22 It was just for notification purposes and for voting
23 purposes.

24 PANEL MEMBER GUTIERREZ: Thank you. I appreciate
25 that point. I was thinking beyond that, way beyond it. I

1 was exploring in my mind whether we could be of any
2 further benefit to the people that rely on the
3 certification by going even beyond what we do.

4 Thank you.

5 CHAIRPERSON JENNINGS: Mr. Dedier, do we need to
6 make a motion here? What do we need to do?

7 MR. DEDIER: No, you won't need to make a motion.
8 It would be -- if you wanted to give staff a direction to
9 add this into the --

10 CHAIRPERSON JENNINGS: All right. I think you do
11 have your direction, Mr. Davis, and that is that we'll
12 proceed with that -- we'll proceed with that process as
13 you've outlined it.

14 STAFF COUNSEL DAVIS: Thank you.

15 CHAIRPERSON JENNINGS: All right.

16 Lets's move then to Item Number 3, which is now
17 the consideration of the Avante Vote Trakker Touch Screen
18 Voting System.

19 MR. DEDIER: The Avante Company came forward in
20 June of this last year, basically -- June of this year,
21 excuse me -- and they've been in testing since.

22 Avante has never ran an election. They're one of
23 the new ones that we tested. They have quite a few
24 different features. One of the features that they have is
25 the printed receipt capability, and that basically they

1 produce a printed receipt so the voter can view it. They
2 can't touch it. They can't grasp it. They can't take it
3 with them. But they are able to verify how the computer
4 did basically cast their ballot by the printed image. The
5 printed image is then drawn back and captured inside the
6 system.

7 Now, that paper trail, as agreed upon by the
8 vendor, wouldn't be used as basically a recount because it
9 is variable-gated, and it's been changed for output into
10 the printing. It's simply for the voter convenience to
11 see how the ballot was cast. Because the ballot that you
12 look at is an 8 1/2 by 11 sheet. The printed image is on
13 a 3-inch piece of paper that basically could be anywhere
14 in a ballot the size of L.A. It could range quite long
15 or, let's say, a small ballot could be very tiny. And 3
16 inches, which that's not going to appear to be what the
17 voter voted. So it's just a convenience issue.

18 This system was run through numerous testing.
19 And we ran it through a school election over at A&M
20 Elementary where we actually let children vote on it to
21 see how they did. That went extremely well. The kids
22 were able to understand the equipment.

23 We also ran the elementary school basically at
24 the mock election yesterday, which ran extremely well, the
25 system as displayed.

1 The bad part of the system that they do have it
2 as an issue is the size and the weight. The size and the
3 weight of the Avante in the case -- because we look at
4 equipment in the case because that's how it's going to be
5 transported -- exceeds then 90 to 107 pounds. And when
6 you get into that kind of weight, there's cautions and
7 there's certain things that OSHA and NIOSH basically
8 regulate for handling of such equipment.

9 Meaning that if we have a warehouse worker out
10 here, obviously we'd give them back support if they were
11 lifting something too heavy, we'd give them steal-toed
12 shoes, we'd give other items. And there's cautions that
13 should be taken.

14 Given the age of the average poll worker and
15 their size, that would become an issue. But then as we
16 talked through with the Avante company, they said
17 basically this unit was one that they were describing for
18 an early voting scenario. And in early voting, they
19 anticipated they would have a larger number of voters
20 coming in. And the more voters would basically constitute
21 a larger machine because they didn't want somebody in a
22 mall to be able to pick up a small laptop-type machine and
23 take off running with it. They said it's more of a secure
24 area.

25 So it does kind of have a place where it can fit

1 in voting systems. It does meet all the standards. But
2 there's a great caution taken with the size and the
3 weight.

4 As I reviewed everything, I can't see where, if
5 this -- this couldn't be set up by a poll worker. It
6 would have to be set up by county personnel. It could be
7 manned by poll workers, but the equipment would have to be
8 set up in a function such as an early voting site or a
9 county-maintained site. A poll worker couldn't do this.

10 In addition to that, one of the other items is
11 off-the-shelf components. This system uses basic
12 off-the-shelf components. And there's swift and swap that
13 could be done. So the system that we look at today and we
14 certify is subject to availability of such components.

15 So maybe -- let's say we go and we pick up -- we
16 build a system today and we're using an opinion-free
17 laptop that's an HP Notebook and these parts are
18 available. Well, as we go to assemble the machine next
19 year and we sell it to a different county, that part isn't
20 available. So that would probably constitute basically
21 the vendor coming back to the certification panel and have
22 him recertify the equipment. It would be a modification.
23 Because any change in the components, hardware or
24 software, warrants a change, basically would be back to
25 this panel.

1 But everything in the testing of the system has
2 passed. So we recommend certification with conditions.
3 And the conditions would be as such:

4 The applicant would basically notify us of any
5 problems that would happen. If anything happens with the
6 system or any problems occur in the system, they'll
7 immediately notify the Secretary of State. That's
8 something that we've been doing with a lot of the systems
9 that have been coming through.

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11 And due to the size and weight of the equipment
12 one of the conditions would be that this system would be
13 used in an early-voting-type scenario. It would also be
14 maintained in county-type sites. It would not be a
15 precinct voting machine. It wouldn't be used for the
16 standard of what the other DREs have been approved. This
17 would be basically an early voting approval.

18 In addition to that, basically we would develop
19 some procedures to see how people like the idea of the
20 machine. And they would keep track of it. They would
21 report back to this Board and this body on how the system
22 went.

23 This system is also being proposed for early
24 voting by Sacramento County. One of the things that I'd
25 like to mention is, if this approval was done -- I

1 produced procedures for you that are in front of you.
2 These procedures have not been reviewed. So if the system
3 was recommended for approval, this Board would have to
4 give permission for them to run early voting because we
5 wouldn't have time to review those procedures. They came
6 in at such a late date, that we would have to give that
7 approval. And basically the Secretary of State would have
8 to kind of oversee the early voting project for Sacramento
9 County.

10 The printed receipt, the vendor must basically
11 ensure that this receipt will not get into the voters'
12 hands, and procedures are adopted as such to make sure
13 that this does not happen to reveal the secrecy of the
14 ballot issue.

15 And of course the procedures will have to be
16 adopted and approved by the Secretary of State's Office.
17 They will be in the format of the California Style of
18 Procedures which we have done for every vendor.

19 And this system has what they call a language --
20 an automated language conversion program. Automated
21 language conversion programs run into problems. And the
22 problems they run into is they are not the best. They're
23 wonderful tools, but they're just a tool to get you
24 started. So when you highlight the language and you
25 change it, the things that you can come up with is -- in

1 Spanish there's nine versions of the language. And
2 there's one that's what they call a general mainstream.
3 Well, the computer doesn't pick up the mainstream. So
4 what you get is you get different languages out of it.

5 So even though this can do an automated process
6 for you, the vendor would ensure that such language
7 conversions would be exported and sent to a translator,
8 edited and imported back in. Basically, it's a helping
9 tool, but it's not the solution. And the vendor would be
10 warranted as such and then adopt that in his procedures,
11 because the procedures would state that the file would be
12 exported and imported back into the system.

13 In addition, on the electronic provisional
14 system, the Avante system has the ability to do
15 provisional ballots electronically. By doing the
16 provisional ballots electronically, they would adopt
17 procedures that if this was to fail, what they would do on
18 kind of a backup system. This would be a procedure issue.
19 All systems should have that. In other words, if the
20 system goes down, what would you do, how would you
21 continue to the election? If the system drops, this
22 shouldn't stop the election.

23 But the Avante system has met all the criteria
24 set forth, me and Robert Neagle both agreed. We went
25 through the entire system. It's met every -- every aspect

1 of the Election Code it has passed the test.

2 The caution that I would make is that the weight
3 and size is such that it be handled with extreme caution.
4 Because if it was handled by a poll worker, there would be
5 an injury.

6 At the same time I also have to note that the
7 vendor has had the ability to make many changes at the
8 same time. The vendor did have problems in testing. And
9 basically that's noted in the -- how this was not an easy
10 task for them to come up with.

11 So I think the conditions that we're recommending
12 for certification are good because it gives them a chance
13 to perform and show us that they can do an election for
14 early voting. But at the same time it gives us an
15 opportunity to evaluate the system and report back to the
16 body of the VSP on how it's completed. And at that point
17 they would receive a full certification on the system.

18 But that's my recommendation.

19 CHAIRPERSON JENNINGS: Thank you, Mr. Dedier.

20 Do we have any comments from the members of the
21 Panel? Any questions?

22 Mr. Gutierrez.

23 PANEL MEMBER GUTIERREZ: Lou, I'm sorry. I was a
24 little confused on the issue of procedures.

25 Do we have procedures?

1 MR. DEDIER: We just received them. Typically
2 voting systems procedures, we need about 30 to 60 days to
3 review them. These procedures were received about 10 days
4 ago. And basically the procedures go to the Advisory
5 Committee. Before we go into a review -- I start to
6 review them. My staff starts to review them. And as we
7 go through the review, we ask the Advisory Committee for
8 their comments; as well as Robert Neagle reviews them.
9 The procedures were given at such a date that for me to
10 get that to the Advisory Committee and ask them to do that
11 and get feedback -- or changes -- typically the procedures
12 will have changes the vendors will have to make -- it
13 would be literally impossible.

14 PANEL MEMBER GUTIERREZ: When is it that they
15 want to use this equipment?

16 MR. DEDIER: They would like to use it next
17 Tuesday.

18 PANEL MEMBER GUTIERREZ: Tuesday. And it is for
19 what purposes?

20 MR. DEDIER: Early voting.

21 PANEL MEMBER GUTIERREZ: So it's live voting?

22 MR. DEDIER: It's live voting, early voting.
23 Sacramento County can inform you of the precincts it would
24 be used at. One of them would be the Secretary of State's
25 location and will be using them next door.

1 PANEL MEMBER GUTIERREZ: And our procedure is to
2 certify the equipment once we've reviewed and commented on
3 the procedures?

4 MR. DEDIER: Exactly. We have done this once
5 before in the past. And where we did it was in the
6 Optimark system. And the Optimark system basically -- I
7 was placed to oversee the Optimark running of the system.
8 And we recorded all the information. And we used that as
9 a live test. And procedures were adopted a couple weeks
10 after. In that sense what we did is we took procedures
11 that were already established, and we made the vendor
12 conform to those procedures for use and operation of the
13 system. Even though it didn't quite match, we could use
14 procedures that were approved because basically the
15 function of doing everything that's set for opening the
16 polls and closing them would remain the same: How you
17 would handle a voter when they walk in. What you do when
18 the voter comes in. What you do when the voter leaves.

19 The only difference is how they're going to vote
20 on the system.

21 PANEL MEMBER GUTIERREZ: And how many days are we
22 going to run this test?

23 Well, it's not a test.

24 How long --

25 MR. DEDIER: It's live voting.

1 How long are -- the 15th through the 25th.

2 PANEL MEMBER GUTIERREZ: So 10 days?

3 MR. DEDIER: Ten days.

4 PANEL MEMBER GUTIERREZ: And under your
5 recommendation you would be there for 10 days?

6 MR. DEDIER: I would not be there for 10 days.

7 What we do is we would -- we'd watch the opening. And
8 we'd closely monitor the idea of the running of the early
9 voting. In Sacramento county we'd be in constant contact
10 with the Elections Division.

11 PANEL MEMBER GUTIERREZ: Would Ernie do anything
12 different than what he does in a live election in this
13 particular site?

14 MR. DEDIER: Certainly. This will be his first
15 time out, so it's going to be a new experience for them.
16 So there's going to be a situation of comfort level. So
17 I'm sure he'll go to the Secretary of State for guidance
18 on the procedures and the system as it would be, whether
19 this was new to him or not. It's a new adventure for
20 Sacramento to do touch screen voting at all.

21 So I'm sure he's going to look for guidance from
22 the Secretary of State as it is. What this would be is we
23 would document more information and record reports, any
24 problems with the system, problems that voters may have
25 had. We could ask Sacramento County to do a survey after

1 they cast their ballot of how they felt about the system
2 and did they feel it was easy to use.

3 So far the responses we've used on the two mock
4 elections have been outstanding. Everybody thought it was
5 easy to use. We did have children that voted on it. In
6 fact, we had three children that basically had full
7 mobility issues, that can't hold a pencil. They were
8 actually able to vote on to the system. And that was
9 quite a display in itself right there.

10 PANEL MEMBER GUTIERREZ: Now, I assume you've
11 discussed it with Ernie?

12 MR. DEDIER: Yes, I have.

13 PANEL MEMBER GUTIERREZ: I assume he concurs in
14 your recommendation?

15 MR. DEDIER: I believe so.

16 PANEL MEMBER GUTIERREZ: Thank you, Mr. Chairman.

17 CHAIRPERSON JENNINGS: Thank you.

18 Mr. Reynolds.

19 PANEL MEMBER REYNOLDS: There's several
20 references in here to a printed receipt or a printed
21 ballot, copy of it. You described it as well as kind of a
22 -- what I visualize as an ATM receipt.

23 But there's no explanation that I saw.
24 Unfortunately, I haven't dealt with all this as closely as
25 I should maybe, but I thought I could ask staff.

1 What exactly are they doing to keep the printed
2 receipt, I'll call it, away from the voter and yet still
3 allow them to view it?

4 MR. DEDIER: I actually had the equipment brought
5 in and back here so you could see it. When you've seen
6 the equipment before, it never had the attachment that it
7 does on it now. So that is a very good question. If
8 you'd like to take a view into the back, you can see it
9 for yourself and how the vote is received with a printing
10 and how it would come out.

11 PANEL MEMBER REYNOLDS: On Page 3, summary of key
12 issues, you say there's potential for issues of
13 reconciliation between the electronic and paper versions.

14 MR. DEDIER: Exactly.

15 PANEL MEMBER REYNOLDS: So we've got a machine
16 that is not going to be able to allow the voter at least
17 to get to that piece of paper. And they look at it and
18 they say, "This isn't what I intended to do."

19 How do you recapture that piece of paper and how
20 do you set it aside and how do you let them vote again?

21 MR. DEDIER: What we did is we identified that in
22 testing. And when the system was first presented -- the
23 system had -- it printed a receipt at the time the voter
24 cast the ballot. What the system does when it came out of
25 testing, which me and Robert Neagle asked for and the

1 vendor complied, was we asked for the review ballot to be
2 printed first. So basically when you go to the review
3 screen, your button comes up and your printed images
4 appear. And it says, "If you agree with what's printed on
5 the image and what's on the screen, please press the 'cast
6 ballot.'"

7 So it's giving you a printed review, and then
8 it's giving you a printed version of the ballot and
9 dropping it in.

10 PANEL MEMBER REYNOLDS: Okay. So let's suppose
11 at that point the voter says, "Wait, this is not" --

12 MR. DEDIER: They can go back five times and they
13 can change their vote five times and it will print them a
14 new receipt each time.

15 PANEL MEMBER REYNOLDS: And there are in the
16 procedures now a way to account for, in an auditable way,
17 the fact that someone had printed a receipt, a poll worker
18 or a county official -- in this case because we're talking
19 about early voting -- removed that, set it aside so it
20 could be counted later and reconciled and -- so all these
21 things are accounted for in the procedures that we have
22 now had a chance to review?

23 MR. DEDIER: The procedures they review -- what
24 we've done was to cast a ballot and then just totally
25 separate -- it basically pops out and comes secondary. So

1 when you get a review screen image, the review screen
2 image would never be used for any purpose. The only thing
3 we would be concerned with is for a count -- or to cast
4 ballot images. And we wouldn't be concerned with what the
5 image said on the printed receipt. We'd be worried about
6 just the count of the voter. The ballots can still be
7 reproduced by the flash card memory. And then the whole
8 election could be produced on a paper for a one-percent
9 recount. We wouldn't suggest using that receipt. It's
10 simply a voter -- a customer, what we see -- a customer
11 convenient receipt. It's just for the voter to feel
12 comfortable in how they cast their ballot. But they can
13 change that five times.

14 And then once they do cast, the cast image will
15 appear on the ballot and we'll track it back in as well.

16 PANEL MEMBER REYNOLDS: Well, the reason I'm
17 going to establish this is because of something that you
18 mentioned that it would be used for the one-percent manual
19 recount.

20 MR. DEDIER: It would be used for the one-percent
21 recount on to the image, but the system would still have
22 the ability -- if you wanted to do a recount to the
23 procedures, what you would do is you would -- say I had 55
24 voters come in. I have 55 cast ballot images. But at the
25 same time if the election official wanted to reproduce the

1 election, what they would do is they would go back to the
2 flash card on the CD ROM and they would reproduce the
3 entire ballot images. It's an extra security step that
4 the vendors take and that hasn't been done before.

5 PANEL MEMBER REYNOLDS: What does this mean for a
6 challenge -- an elections challenge? What do the
7 procedures say about where they would go first to see what
8 had happened?

9 MR. DEDIER: How we designed -- the idea of the
10 system and the way the system is set up, we would rely on
11 the cast ballot images on the flash card. We would not
12 rely on receipts, because the receipts could be lost, they
13 could be moved, they could be stuck in a machine. There's
14 a number of things that could happen. What they would
15 give you is a count of how many voters came in.

16 Basically, the machine retains the card as well.
17 It has two options. On the activation card this system's
18 a little bit different than what we've seen. We place the
19 card in to activate. The machine gives the option to a
20 county if they want to retain the voter's card or if they
21 want to give it back. So basically if you said I have 55
22 people vote at an election, I should have 55 cards in the
23 machine. I should have 55 printed receipts. Now, if you
24 go to the flash image and you reproduce the entire
25 election, that's your true reproduction of your ballots.

1 PANEL MEMBER REYNOLDS: Let me move on to the
2 next question that I have.

3 You mentioned again on Page 3 about the
4 possibility of printer malfunction.

5 MR. DEDIER: Exactly.

6 PANEL MEMBER REYNOLDS: All right. Let's suppose
7 it's a best case scenario where a voter reports right away
8 to a poll worker, to a county official, that there's been
9 a printer malfunction and they can't see their receipt.

10 Do the procedures then provide for an alternative
11 paper copy of some sort? In other words, do they say,
12 okay, now, you're going to vote this paper ballot as well
13 as use the machine because the procedures provide for --
14 is there any --

15 MR. DEDIER: It would be the choice of the
16 county. The printed receipt is considered a voter
17 convenience. It's not a must for the system to run. The
18 printer could be disabled and the system could run without
19 it just as any other standard touch screen. Some people
20 that use the system in accounting purchases might not want
21 that printed receipt. There's actually very few counties
22 that want to produce a printed receipt at the time. So I
23 imagine if this system was used by a different county,
24 they might choose not to use it.

25 It's kind of a feel-good-touchy-feely-type thing.

1 This would be like any other DRE that's out here. It's
2 subject to failure. If the system fails, they should have
3 paper ballots in the precinct ready to go at the same
4 time. And that's where -- if it was determined -- it
5 would be the call of the county. If the printer went
6 down, the county could say, "Let's turn the print off,"
7 basically. "The printer's off. We're going to vote
8 without providing this printed receipt." It's an
9 either/or option in their procedures.

10 If they went to that, they would basically have
11 an image appear just like any other touch screen. They
12 would cast a ballot image. The voter would walk away.
13 Then when they voted, they'd get a sticker and leave the
14 room.

15 Now, if the machine went down fully or if the
16 county said, "If it's not producing paper, I want to go
17 ahead and call the system malfunctioned and shut it down,"
18 at that point in time they could issue paper ballots.

19 PANEL MEMBER TROUT: Could I jump in real quick?

20 Now, are your answers to these -- because I think
21 these are important questions. Are these based on the
22 procedures or on your understanding of the system?

23 MR. DEDIER: My understanding of the system and
24 how they would be presented in the procedures for
25 California. I have not had a chance to review the

1 procedures at this time.

2 PANEL MEMBER TROUT: Okay. I just wanted to make
3 sure of that.

4 PANEL MEMBER REYNOLDS: With respect to the
5 voters' concern about their right to claim that printed
6 receipt, is there anything or will there be anything in
7 the procedures that provide notification to a voter that
8 this receipt -- "You won't be able to take this receipt
9 with you" or that "this is for viewing purposes only" or
10 "for verification of your vote purposes only" or --

11 MR. DEDIER: That's something we can identify
12 inside the procedures of the operations for California.
13 What we could do is we could place notification right
14 inside the booth that basically "this receipt is to be
15 maintained inside the machine and is used as a convenience
16 receipt. It is not considered a factual ballot. It's not
17 an actual image of your ballot. This is an appearance of
18 your choices that you've selected."

19 PANEL MEMBER REYNOLDS: Let me move on to the
20 question of the voting machine, the weight and the size.

21 On Page 4 you mention that personal protective
22 equipment may be needed for set up of the equipment. And
23 I looked at some of the OSHA information that was there.

24 You mentioned a couple of things. I was at a
25 loss myself in looking through the materials to understand

1 what specifically you might be talking about. You
2 mentioned steel-toed shoes and back support. Those things
3 make sense to me.

4 But are there other things that come readily to
5 mind? And who's going to absorb the cost of those kinds
6 of things? Is it going to be a part of a contract? Or
7 has anyone thought about -- or is it the county's going to
8 absorb the cost of protective gear for --

9 MR. DEDIER: I'll speak to this side of it
10 because I am actually certified by the federal government.

11 And on OSHA what we do is we mandate certain
12 things. We have to disclose certain things. A vendor has
13 to disclose what some of these issues would be on
14 equipment. But it's up to the purchaser or the user to
15 implement such things. What the vendor has to do is make
16 the county aware such issues exist.

17 If you're using 65 pounds or above and the item's
18 going to be lifted two to three feet above off the ground,
19 steel-toed shoes are recommended and can be required.
20 OSHA can look at the employer as being noncompliant they
21 didn't offer it.

22 Now, if you get into 100-pound weight it is
23 mandatory by OSHA. OSHA comes out and sees the workers
24 without steel-toed shoes, then basically they can write a
25 citation to the place using the product. It's the

1 responsibility of the purchaser to mandate these.

2 What we can do is we -- we just need to bring
3 these out for a county. What we're trying to do is our
4 reports are used -- the counties evaluate these. They
5 don't have testers. They don't have the staff or the
6 resources. They use a lot of our reports and the things
7 that you gentlemen come up with to help them guide them
8 through a purchasing process. When they look at this,
9 they're probably unaware what personal protective
10 equipment is. It's quite relevant in the state because we
11 use it all the time.

12 Back supports are something that's not compliant,
13 not an issue. OSHA mentions back supports as an item if
14 an employer wants to or doesn't. They suggest strongly
15 that they let the employee decide. They recommend
16 personal protective equipment. It would be up to the
17 county purchasing the system to look at the guide and go
18 back through it and see what equipment's needed.

19 But the vendor at the same time will disclose
20 that information to them, of certain items that they
21 feel -- and it would be up to the vendor to conduct a
22 study on what would be recommended for safety. It could
23 be proper lifting; it could be a lifting class; a lifting
24 class that was given by a certified instructor and
25 basically certifies the employees that they know how to

1 lift equipment in a certain function.

2 Now, on steel-toed shoes you can get into an idea
3 where -- right now the only State recommended certified
4 steel-toed shoe is Red Wing. And that's exactly who OSHA
5 says to use, is the Red Wing steel-toe. It has to be a
6 certain level. And to give you an idea for people in
7 printing plants, that's a common use. Roll-feed paper,
8 that's a common use. Heavy equipment.

9 Now you have a problem that you get into.
10 Steel-toed shoes are very uncomfortable. So what it would
11 be is if the equipment was -- we're getting the best of
12 both worlds if we disclose it to the county and the county
13 staff sets it up. Because when the equipment's moved,
14 once it's set up the people that are going to operate the
15 equipment shouldn't need to use steel-toed shoes because
16 the equipment's set up in the environment and it will not
17 move.

18 PANEL MEMBER REYNOLDS: I'm just thinking
19 about -- in this limited application it seems to make some
20 sense. But if you tried to apply this system -- and I
21 understand the advantage that the vendor sees in the bulk
22 and the weight of the machine. Nonetheless, the liability
23 issues and the cost and the training issues that might go
24 along with the number of volunteers that you have.

25 There's also a reference on page 4 again to

1 wireless technology for opening and closing of polls.

2 And in the brief amount of time I had to look at
3 some comments from Mischelle Townsend, and in the material
4 itself, there was a concern about wireless technology. We
5 looked at -- was it this system or other system that --

6 MR. DEDIER: It was the Win Vote system.

7 PANEL MEMBER REYNOLDS: Win Vote, that's right.

8 How comfortable do people feel with wireless
9 technology?

10 MR. DEDIER: This system -- it has some comfort
11 levels. What they're doing is on the wireless technology
12 they're using it to open the polls. Basically, you open
13 each system, you close each system. You can load the
14 ballots wirelessly. But the systems don't talk to each
15 other while they're in the precincts. So in other words
16 the wireless isn't on.

17 When you close the systems, you use one machine
18 to close, let's say, five. And as you close the five, the
19 one machine transmits the votes in the data. But each one
20 still burns a separate tally and prints its own individual
21 report.

22 So we're not relying upon the wireless. We're
23 using the wireless as a tool for a quick reporting is what
24 we're doing.

25 I feel comfortable using it that way. If the

1 wireless hub was turned on nonstop, then we could have the
2 point of an intrusion being out or somebody trying to
3 launch an attack. And that is a valued concern. When
4 you're looking to launch an attack at wireless technology
5 that was running nonstop, then somebody could key in on
6 that system and try to shut it down.

7 But during the voting mode they're not running
8 wireless. They run it simply for ballot uplift and ballot
9 closing.

10 So they removed that option. The wireless is
11 shut down. They actually have to turn it on. The poll
12 workers card, when they open and close the polls, is what
13 activates the wireless. The wireless goes off once the
14 system opens. So there is some protective devices in
15 there.

16 But we're going to see a lot of the wireless
17 technology come up and come forward to this Committee as
18 they get going with the systems. Because to load
19 counties' elections -- and what they're finding out is
20 just like the LMA test. An LMA test, if it's not an
21 automated test, in Los Angeles it would be estimated that
22 it would take anywhere from three months to four months to
23 do an LMA test on all the equipment without an automated
24 process. And how many people are we going to hire to sit
25 there and press buttons on the machines. So we're going

1 to see wireless technology. It's the same thing. We
2 don't want to have to pick up every machine and load it
3 when we can do it wirelessly or by infrared.

4 PANEL MEMBER REYNOLDS: Okay. There was a
5 question I had for clarification, too. On Page 5 there's
6 a reference to six languages required by the Voting Rights
7 Act.

8 We're looking at more languages than that now
9 though, aren't we?

10 MR. DEDIER: I'll give you an idea. This system
11 uses the Microsoft language translation base. And they
12 have the ability to import about 22 right now safely--
13 28. But at the same time great caution is taken when you
14 import anything that -- it has to go to a translator. And
15 I mean I've learned that from personal experience.
16 Because I trusted it, Microsoft, 3 years ago at EDD and
17 created a letter that shouldn't have went out the way it
18 did in Spanish.

19 And I learned the hard way.

20 PANEL MEMBER REYNOLDS: There's reference to
21 curbside voting on Page 5 as well. I assume that you're
22 using a unit that's pretty portable for curbside voting.

23 MR. DEDIER: The curbside voting would be where
24 we would come in to a -- that is a point of wireless right
25 there. That is another point of the wireless. Basically

1 when you activate a curbside voting unit, which is a
2 separate unit that would go out to the car, what it does
3 is it -- it is basically a laptop in a small box. It's a
4 small voting machine, which would actually be a good size
5 if they had it in that size for their total unit.

6 But it goes out to the vehicle. It sits up next
7 to the driver's window, similar like the Sequoia or the
8 Diebold or the ES&S. You cast your ballot image. Once
9 you cast it, then you take it back -- basically when
10 they're casting it, it's basically an image that's shown
11 on the screen. But the screen goes black on the unit
12 that's being used inside. It's transmitting the vote
13 wirelessly.

14 So what they're using is, is it's basically being
15 used as a keyboard. It's showing what the voter would be
16 seeing on the screen, but the screen is darkened. And
17 that is poll worker interference. Poll worker would have
18 to go up and say, "We're going to activate the curbside
19 voting." But they wouldn't have to pick up the unit and
20 try to move it out there. They would take this smaller
21 unit and bring it out. The screen's flaps would be
22 closed. The screen goes black. And basically who sees it
23 is the voter out in the vehicle.

24 Now, that can only be done one time. Then it has
25 to be -- bring in and reactivate it. So in other words it

1 shuts right down so it doesn't leave the wireless hub
2 turned on.

3 PANEL MEMBER REYNOLDS: Who's looking at the
4 printed receipt at that time, or is there --

5 MR. DEDIER: There is no printed receipt at that
6 time.

7 PANEL MEMBER REYNOLDS: Provisional ballots being
8 cast electronically. That's got to be handled internally
9 somehow so that provisional ballot is set aside somehow in
10 a different flash memory and there's a printed receipt
11 that gets handled differently. And all that's --

12 MR. DEDIER: Inside the flash memory what they do
13 is they create two separate storage ports at the time.
14 There's an A and a B inside the flash memory card. So
15 anything that's considered a provisional is given a
16 different code. Just like precinct voting, is when you do
17 early voting we're able to cast the ballots and keep them
18 in the precincts that are necessary by creating windows
19 inside the flash card.

20 And a provisional, what you would do is you would
21 split the card basically, and provisionals would be kept
22 out. They could be produced and viewed by the county
23 official to ensure that the ballots were what should have
24 been cast and are valid votes. At the time they would
25 accept the votes. And if they accepted, they would be

1 able to transport into the next port for uplift into
2 tally.

3 But they are maintained separately.

4 PANEL MEMBER REYNOLDS: I wanted to touch on the
5 vendor readiness question. It's raised in the
6 recommendations as well.

7 And so I want to ask the vendor, if I have an
8 opportunity to do that, "Are you ready to partner with the
9 County of Sacramento?" Because the question seemed to be
10 whether there would be adequate units available, so on and
11 so forth. I just -- are you ready to undertake this early
12 voting project?

13 MR. BURNS: John Burns, Business Manager for
14 Avante International Technologies.

15 Yes, we are, Chris. We've already delivered the
16 units here. We have a staff right now of 8, 9 people
17 coming in -- additional people today coming in, setting
18 the units up. We've been doing it now for the last couple
19 of days to the units. Final testing, LMA, ballot loading.
20 And we are going to have at each of the six sites -- at
21 least one representative at each site throughout the --
22 every day on early voting. And then two staff members at
23 the county office. They're supporting the
24 troubleshooting. And people roaming around to help with
25 any issues or concerns throughout early voting.

1 PANEL MEMBER REYNOLDS: And can I ask the same
2 question of Mr. Hawkins. Do you feel good about this
3 partnership and think you're ready to --

4 MR. HAWKINS: Thank you for asking.

5 Yeah, we've been working for a long time to make
6 this happen. And we entered into contractual arrangements
7 with all the sites. We arranged for adequate security and
8 staffing. All the staff have been hired and trained. And
9 we do feel comfortable with the arrangement that we're
10 about to enter into.

11 I do have authorization but not a directive from
12 the Board of Supervisors. So we have a necessary
13 authorization to proceed, with the condition of course
14 that the certification is forthcoming today and from the
15 Secretary of State. We're not asking you, have not in the
16 past and are not asking now for you to make any exceptions
17 to the certification process. But we are prepared and
18 ready and would like to use this system in an early voting
19 situation.

20 PANEL MEMBER REYNOLDS: I guess I'll just make
21 one final comment. And I know I've taken a lot of time
22 with a lot of questions. But I just wanted to feel more
23 comfortable with this, because I'm ambivalent, frankly.
24 There's some things about this we're just getting the
25 procedures for the first time to take a look at them.

1 But considering the amount of time and attention
2 that's been paid to this and the quality of the
3 participant, the county participant in the early voting
4 effort, I'm -- you know, if you're ready to move ahead
5 with it. And we can learn something from this process,
6 about some of the logistical issues that maybe can't be
7 answered until something's out in the field. I feel
8 better about that.

9 But there are some really important things about
10 these procedures that, not having had a chance to look at
11 them specifically, with respect to there being printed
12 ballots and making sure that people don't walk away with
13 receipts, but understanding that it's early voting and
14 that it's under the control of the county and again the
15 quality of the county as a participant in the pilot
16 project as a partner, makes me feel better about it.

17 So thank you very much for giving me that
18 opportunity.

19 CHAIRPERSON JENNINGS: Thank you, Mr. Reynolds.
20 Very good questions that you asked.

21 Mr. Mott-Smith.

22 PANEL MEMBER MOTT-SMITH: I just want to respond
23 to Chon and Chris, I guess, in terms of the procedures.
24 We do have adopted procedures for touch screen voting
25 systems that are not specific to the Avante system but are

1 specific to the early voting environment. And those would
2 be what we would propose to use for this early voting
3 system.

4 CHAIRPERSON JENNINGS: Thank you.

5 Do we have any other comments from members of the
6 panel?

7 Mr. Soriano.

8 PANEL MEMBER SORIANO: Lou, with the
9 recommendations for the conditional certification, one of
10 them is the requirement for a survey tool. Can you speak
11 to that as to why we would need that? And also, have we
12 required that before in any of our other conditional
13 certifications?

14 MR. DEDIER: Typically -- I'll go back similar to
15 the Optimark. The other systems haven't been used.

16 The Optimark, what we did is we did a survey to
17 the voters to see what they thought of it. What we might
18 find is the printed receipt might confuse people. And
19 they might look at the idea of the image, what we -- some
20 of the things you might get out of a printed image that
21 hasn't been thought of by quite a few people is the size
22 of the font, the font being as small as it is, how do I
23 really see it, how do I really look at it? So a survey of
24 the voters.

25 I can't determine -- when I test, I test for

1 technical and I test for accuracy and reliability of the
2 equipment and how it's going to be used in accordance with
3 the code. The usability is by the voter. So I think
4 reaching out with a tool to see what the voter feels is
5 huge, because the voter and ultimately the people that
6 work with the system in the counties, what we attribute to
7 be easy in IT is sometimes more difficult. We create
8 situations that on the end-user have more problems. And
9 that's kind of a daily situation.

10 The Optimark, what we did, is we looked at the
11 idea of going out and evaluating with the voters and what
12 they thought. Now there were some changes that came out,
13 you know, obviously from some of the changes with the
14 Optimark system. Some of the things we learned was they
15 did have to use certain pens.

16 People didn't feel comfortable if the pens
17 weren't attached by a clip or a wire. They would actually
18 take -- even though there's a pen sitting on the booth,
19 like such, when you walk in to cast your ballot, the voter
20 would walk in and pull the pen out of his pocket, because
21 they would hand him an optical scan ballot. Well, when we
22 turn around and put a chain to it and you put this clip
23 and it's sitting up like this, all of a sudden the voter
24 walks in and they know to use it.

25 Some of the voter confusions were -- one

1 individual, be a perfect example, the Optimark sitting
2 there and punched holes in it. Actually punched holes in
3 the cardboard booth that was in Los Angeles, to punch
4 through, to cast their ballot on the image, because he was
5 so used to punching the card. But there was no
6 instructions given. The instructions were lacking on the
7 side of the poll worker, the instructions to the person.

8 And what was funny is I -- I asked him how he
9 liked the system afterwards. And he loved it. He said it
10 was very hard to punch through, he'd like something a
11 little bit easier. But he did think the system worked
12 pretty well, works just like it always has. So I think by
13 taking that tool and going out afterwards and interviewing
14 people as they cast their ballots -- truly, we can only
15 evaluate the systems on what the accuracy is. But at the
16 same time we need to consider what the usability is and
17 how it functions with the voter.

18 We're only going to get that by surveys. We're
19 only going to get it by the go-slow approach. I know the
20 vendors would love to see us just give a blanket and wave
21 our hand and say, "You're approved. Go do business and
22 sell as many of these widgets as you can." But at the
23 time same time I think we have a responsibility to know
24 what we're putting out to the voters of California, that
25 it works and it's what they want, because ultimately we

1 want them to come back and vote again. We don't want to
2 make voting a difficult process. And that's a tool that I
3 would use a survey for.

4 PANEL MEMBER SORIANO: Have we done it in the
5 past?

6 MR. DEDIER: Yes, we have. With the Optimark
7 system. And that is a condition on the Hart system and it
8 is a condition on the Win Vote system as well is that we
9 do a survey. And the first time that it's used, they
10 notify the SOS. And the SOS will be present during that.

11 PANEL MEMBER SORIANO: Thank you.

12 PANEL MEMBER MOTT-SMITH: Bernard, we also did a
13 similar requirement when the Sequoia and the Global
14 systems were first implemented in Riverside and in
15 Alameda.

16 PANEL MEMBER SORIANO: Thank you.

17 CHAIRPERSON JENNINGS: Any other comments from
18 members of the -- Steve.

19 PANEL MEMBER TROUT: Mr. Chairman, I have concern
20 that we're going to certify something just for early
21 voting. It seems that either the system meets the
22 certification requirements or it doesn't. And I'm
23 concerned that we're going to have certification for this
24 system for early voting and another system for just
25 absentees. And if Avante comes back and decides, "Well,

1 we changed our mind. We want to be able to roll this out
2 in the polling places" because a county has decided that,
3 you know, they want to hire a support -- or a set-up team
4 to go out and set it up, with their steel-toed shoes and
5 all of that, I think the county should be able to have
6 that opportunity. And also I don't think we should
7 require Avante to go back and go through all this testing
8 requirements, which they already passed, just to have
9 something -- a change in the breadth of their approval.

10 So it seems to me that we should just either vote
11 up -- we should vote up or down on this as an entire
12 application instead of just for early voting purposes.
13 Because if we think it should be certified, then it should
14 be certified for early voting or for polling place voting
15 because those are the same standards in testing. And
16 leave it up to the counties to decide whether they want to
17 just use it for early voting or whether they want to use
18 it at the polling places. I know Santa Cruz County had
19 one of those guys from the Survivor show as a poll worker,
20 so I'm sure he could move the system.

21 But I just think we should -- you know, we
22 shouldn't start the -- you know, start the process of
23 certifying for specific purposes because it may lead to
24 concerns from the counties as well. It's like, well, the
25 vendor goes and represents itself as this system is

1 certified by the State of California, you know. Footnote:
2 However, it's just for early voting. Or a footnote: It's
3 just for voting at the Registrar's office.

4 And so I think, you know, either the system
5 should be certified or it shouldn't, and we shouldn't
6 leave any modifications on that.

7 CHAIRPERSON JENNINGS: Well, Mr. Trout, would you
8 be partial to a motion that included a condition, the
9 condition of it being used just for this pilot program,
10 this early voting program, and it would become
11 nonconditional upon our receiving a report with respect to
12 performance?

13 PANEL MEMBER TROUT: And that's something -- that
14 was my second point, is I'm hearing pilot program and
15 conditional. And yet what I see here is we're approving
16 this system for use for any election anywhere in
17 California.

18 And maybe this needs to be modified to just cover
19 Sacramento County for this 10-day period as a testing
20 period because --

21 CHAIRPERSON JENNINGS: That's what I would be
22 saying, is if we had it -- and then we had a full report
23 brought back to us, we wouldn't have to go through
24 additional testing and an additional report other than the
25 report of its performance during this 10-day period.

1 PANEL MEMBER TROUT: Right. And I think that
2 would be appropriate. It seems to me it doesn't matter.
3 Either it works or it doesn't. And either it's certified
4 or it doesn't, whether it's at the early voting or at the
5 polling place. And if it needs further testing for
6 everyone to be comfortable with it, then that's probably
7 something we should do.

8 I have a big concern with the procedures issue.
9 And I know I've raised it at every meeting before, that I
10 don't think we should approve anything until we have
11 reviewed and approved the procedures. Because, you know,
12 staff gets a good understanding of the system of what he
13 thinks the answers would be on the procedures, but we
14 don't know what the procedures require. Lack of
15 procedures was actually what caused big problems in
16 Florida. And I just think it's premature to vote up or
17 down on certification on any system until we have reviewed
18 the procedures and can confirm that they comply with
19 California law.

20 You know, just getting them here today, that's
21 not good enough for me. You know, I can't support
22 something that I haven't seen the procedures for. I
23 understand that there's been commitments made out there
24 and people are ready to roll on this, but it just feels
25 like it's all at the last minute here and I'm getting shot

1 gunned. And I'm not comfortable enough yet with all of
2 the questions that Chris raised, which I think were very
3 valid questions, on what the answers to those will be
4 under the procedures.

5 I appreciate staff's understanding of how he
6 thinks it would work. And that may every well be. But we
7 need to know what the procedures are. That's what binds
8 us and makes it -- that's what we're going to have to
9 stand on and the county's going to have to stand on in
10 defending the system if any challenge is brought up in the
11 future.

12 So I think that's, you know, a major concern I
13 have. I think that if we want to amend this
14 recommendation to just make it a pilot project, that would
15 be helpful. I'm still personally not comfortable with
16 allowing anything for live votes that we don't have
17 approved procedures for. And I noticed we -- you know, I
18 wasn't comfortable doing it the last meeting where we did
19 have, you know, a pilot project test election without
20 procedures, which we were supposed to have procedures come
21 in later for approval.

22 We still haven't seen them. They still haven't
23 come in for approval. And I understand that the Advisory
24 Committee has problems with them and that's part of the
25 reason for the delay today. And so I just think that

1 those procedures are an essential part of the
2 certification process and we shouldn't go forward and
3 shouldn't really even schedule a consideration of a
4 meeting until we have those procedures in our possession
5 and have reviewed them for compliance with Elections Code.

6 CHAIRPERSON JENNINGS: You make some strong
7 points, Mr. Trout.

8 Mr. Mott-Smith, do you have comments.

9 PANEL MEMBER MOTT-SMITH: Are we going to hear
10 from the vendor?

11 CHAIRPERSON JENNINGS: Well, we could.

12 I'll open up for discussion. Do we have any
13 comments from the vendor or anyone else in the audience?

14 MR. BURNS: We don't.

15 CHAIRPERSON JENNINGS: No comments?

16 PANEL MEMBER TROUT: I'm sorry, Mr. Jennings --

17 CHAIRPERSON JENNINGS: I'm sorry. Someone in the
18 back.

19 You know, I am getting hammered here. Everything
20 was a blank from about right there.

21 PANEL MEMBER TROUT: Does this help?

22 MR. DEDIER: Kim Alexander.

23 CHAIRPERSON JENNINGS: Oh, Kim. I'm sorry.

24 MS. ALEXANDER: No. problem.

25 I have a question about how the county is going

1 to combine the live ballots from the Avante system with
2 the absentee ballots and the precincts' ballots in the
3 final vote counting process.

4 PANEL MEMBER MOTT-SMITH: Let Lou handle that.

5 MR. DEDIER: Basically the VC Win program from
6 DFM has applied for certification. And basically that
7 would be a test that would be ran, an independent test
8 that would be system's ability to run a patch. That's
9 typically what they -- the DREs patch into systems. And
10 what they do is they take the output of a ballot image and
11 they export it to an ASCII file. But ballot images in the
12 systems maintain their totals and their tallies as a
13 whole.

14 Once they do that, what they do is they run an
15 export on the data, export it to an ASCII file, the ASCII
16 file is uplifted. An ASCII file is in the same image that
17 you would see a ballot card or an optical scan card. Then
18 that data is mixed together with basically the DFM totals
19 and results. And then you have your uplift. You have
20 your totals from your optical scan, you have your totals
21 from your DRE, and now you have a combined total of the
22 two. But there's still verification on both sides of the
23 coin to make sure everything's correct.

24 And that is a patch that's ran after tallies are
25 done on both. And that's been done by every DRE vendor,

1 asked to do such a thing when they want to mix in with
2 another system.

3 Right now the only place running a system that
4 actually has the match already built into it is actually
5 Plumas County because they're the only ones with a totally
6 ran system that runs the same vendor for optical scan as
7 they do for DRE. Even in Riverside they use a patch for
8 the DFM. This would be the same patch that DFM uses in
9 Riverside.

10 CHAIRPERSON JENNINGS: Mr. Burns I saw you raise
11 your hand.

12 MR. BURNS: No I didn't.

13 CHAIRPERSON JENNINGS: Oh, you didn't? I'm
14 sorry.

15 Any other comments.

16 Kim, did that answer your question?

17 MS. ALEXANDER: Yes. Thank you.

18 CHAIRPERSON JENNINGS: All right. Any
19 other comments --

20 PANEL MEMBER TROUT: Mr. Chair, I have one thing
21 I left off with respect to using procedures from other
22 DREs, that none of those have the printed receipt that
23 Chris was talking about. And I think that's a big
24 question with respect to this and making sure that voters
25 don't have that, take that back and -- you know, like you

1 go to your boss, "Show me that you voted for so and so" by
2 taking this out. We need to make sure that -- in my mind
3 that's a big protection and we would want to make sure
4 that that doesn't leave the machine and that the voter
5 doesn't have access to that.

6 And we don't have any procedures in place that
7 deal with that at all because this is the first system
8 with that capability.

9 CHAIRPERSON JENNINGS: Mr. Hawkins, have you
10 dealt with that from the standpoint of county procedures?

11 MR. HAWKINS: I'm just asking Jill the same
12 question.

13 MS. LEVINE: Jill Levine, Sacramento County.

14 The receipt -- once you see the machine, there is
15 no way for the voter to get to the receipt. And that's
16 what we were looking at. So there's no way that the voter
17 can take it away from there because it goes into the box,
18 then back into the machine.

19 CHAIRPERSON JENNINGS: So it's on a continuous
20 form material, is --

21 MS. LEVINE: It's --

22 CHAIRPERSON JENNINGS: -- or is it viewed through
23 a screen?

24 MS. LEVINE: It is viewed through a clear plastic
25 box that you're able to view. But it stays inside the

1 box. There's no way to get into -- for the voters to get
2 into that box. And then it pulls back into the machine.

3 CHAIRPERSON JENNINGS: And that, as I understand
4 it, it has five opportunities for change?

5 MS. LEVINE: Yes.

6 CHAIRPERSON JENNINGS: So as the voter decides to
7 change the ballot --

8 MS. LEVINE: Then it pulls back in and --

9 CHAIRPERSON JENNINGS: -- it pulls back in and
10 then a fresh ballot comes up after you finished the second
11 attempt?

12 MS. LEVINE: Right.

13 CHAIRPERSON JENNINGS: Similarly that would
14 happen five times?

15 MS. LEVINE: Right.

16 CHAIRPERSON JENNINGS: Does that answer your
17 question, Steve?

18 PANEL MEMBER TROUT: Yes, thank you.

19 CHAIRPERSON JENNINGS: Any other comments?

20 Mr. Gutierrez.

21 PANEL MEMBER GUTIERREZ: Thank you, Mr. Chairman.

22 I know we're going to come down to a vote here pretty
23 quick when we determine what we all agree on.

24 Let me share with you that I don't have a
25 reservation with certifying equipment for specific uses.

1 Steve and I don't view the issue from the same
2 perspective. There are tools for particular problems.
3 And if we want to certify this for this specific
4 application, and it meets all of the standards that we
5 require of any tool for this particular application, then
6 I don't have any reservation about that.

7 But I share Steve's concern about the absence of
8 procedures.

9 Now, I know -- it's not that we have an absence
10 of procedures. It sounds like we do have procedures. I
11 have to trust that Mr. Hawkins, who has many, many years
12 of working for the county and an excellent reputation,
13 who's going to do everything humanly possible to be
14 consistent with his professionalism, and so he'll minimize
15 the risk associated with the fact that the procedures have
16 not been certified by the Secretary of State and not
17 reviewed by his colleagues.

18 But I'm nervous about that. I mean it introduces
19 risk. And any risk will fall squarely on Mr. Hawkins'
20 shoulders and then immediately move to the Secretary of
21 State's shoulders.

22 And so as we consider, as we discuss this issue
23 further, I'd appreciate some comments that would help me
24 be less concerned about that risk.

25 CHAIRPERSON JENNINGS: Lou, do you have any

1 comments?

2 MR. DEDIER: What we could do is -- on the system
3 we could place this as a, you know, pilot, so to speak,
4 for early voting, which means that we would have to take a
5 look at --

6 PANEL MEMBER GUTIERREZ: How does a pilot help?
7 My concern, Lou, is that something goes wrong.

8 MR. DEDIER: Exactly.

9 The procedures would have to be looked at
10 immediately for a pilot project, and then they'd have to
11 be reviewed by the Election Division immediately. Those
12 procedures would be kind of administratively adopted for
13 this pilot use. We would track the system's use, how it
14 was used in early voting, and come back with a report to
15 the VSP.

16 And in hindsight I do kind of agree with Steve
17 with the idea if we could give certification, we can give
18 certification on the system. At the same time, this is no
19 different than any other system that we've asked to be
20 there for the first use. If the vendor failed the first
21 use, what you'd come back with that report is the system
22 failed.

23 And the procedures that we talk about on other
24 systems -- this is a unique situation because it is going
25 to be placed in use immediately. So what we have to do is

1 take a look at the procedures that are already adopted on
2 other systems, look at it. And the SOS would have to be
3 actively involved with the county and the county would
4 have to be fully aware that this is a -- basically a pilot
5 test to evaluate the system's use and ability to perform
6 to California Code. If they got outside of the lines,
7 then the county would have to shut down their early voting
8 sites.

9 PANEL MEMBER GUTIERREZ: I want to make sure I
10 understand the point you just made.

11 You in effect would create procedures that would
12 be by borrowing pieces from every place else?

13 MR. DEDIER: Exactly. We'd borrow the --

14 PANEL MEMBER GUTIERREZ: Who would be the one
15 that would make the judgment that these are proper
16 procedures? How would that happen?

17 MR. DEDIER: That would have to go through
18 probably me and John. We would work on that together.
19 We'd take a look at some of the other DRE procedures.

20 PANEL MEMBER GUTIERREZ: Do you and John have the
21 time to do that?

22 MR. DEDIER: We would have to make time between
23 now and Tuesday.

24 PANEL MEMBER GUTIERREZ: Let me try again. Do
25 you have the time? Yes or no.

1 MR. DEDIER: I will make time to do that. I
2 would grab a set of procedures and look at them, and I
3 would ask the vendor --

4 PANEL MEMBER GUTIERREZ: How about John?

5 PANEL MEMBER MOTT-SMITH: Yes.

6 PANEL MEMBER TROUT: Mr. Chairman?

7 PANEL MEMBER GUTIERREZ: I think you've answered
8 my questions. Thank you.

9 PANEL MEMBER TROUT: The amount of time to create
10 a hodgepodge of other procedures and to have those
11 approved is probably the same as reviewing the procedures
12 put forth by Avante that would be specific to this
13 machine. And so I think instead of, you know, putting
14 together procedures of systems that don't have all of the
15 features or uses of the Avante machine, that instead if
16 staff has the time to review the procedures of the
17 submitted that we just received today, to determine if
18 those are acceptable or not, and to have those for use
19 during the pilot if we're going to make this a pilot just
20 for Sacramento County just for these 10 days.

21 MR. DEDIER: I'd be fine reviewing those
22 procedures and going ahead and getting them. But I would
23 like to still run them through and have them adopted by
24 the Board officially. But this would be a one-time use.
25 I don't feel comfortable approving procedures by myself

1 without running them through the Advisory Committee. I
2 could see on a pilot, but I'd still like to get the input
3 of the Advisory Committee when I bring it to the VSP to
4 have it fully adopted.

5 PANEL MEMBER TROUT: And I still want to look at
6 them.

7 CHAIRPERSON JENNINGS: But is there --
8 logistically is there any way that can happen?

9 MR. DEDIER: I guess it's going to be a long
10 weekend.

11 PANEL MEMBER GUTIERREZ: Let me suggest
12 something, if I may, Mr. Chairman.

13 Building upon what you just said, Lou, is: You
14 would get the procedures; you would review them as you do
15 any set of procedures, except you'd do it over the
16 three-day holiday; you'd give up your holiday and weekend,
17 you would do that; you would come in on Tuesday, you would
18 sit down with John, you'd review with John; John would
19 review policy issues, give you any advice or modifications
20 that are appropriate.

21 Then the issue becomes, how does this Board
22 approve them, right?

23 MR. DEDIER: I would ask for the administrative
24 direction with me and John Mott-Smith's assistance to go
25 ahead and let the county and the vendor use those

1 procedures for this one-time use.

2 PANEL MEMBER GUTIERREZ: And I think I would feel
3 equally clear if a motion could be worded in such a way
4 that the Chairman could make that decision in lieu of you
5 and John to keep it from being -- I mean give it a little
6 more review.

7 So mechanically -- it sounds like that's one
8 option.

9 CHAIRPERSON JENNINGS: What time do your polls
10 open on Tuesday, Ernie?

11 MR. HAWKINS: Nine. And I think John has talked
12 us out of having a press conference at 9:00 o'clock.

13 We have six locations, one in this building, one
14 in our building --

15 CHAIRPERSON JENNINGS: One is in this building
16 and the museum.

17 MR. HAWKINS: Three in malls and one in the City
18 Clerk's Office in Elk Grove.

19 CHAIRPERSON JENNINGS: And have you already
20 advertised as to the time the polls will open for early
21 voting?

22 MR. HAWKINS: We haven't done -- people know that
23 the polls will open at those times. But we haven't made
24 any kind of a proclamation. We haven't issued a press
25 release or anything yet. It would have been premature to

1 do so because unless we have the approval here and the
2 approval of the Secretary, this isn't going to happen.
3 We're ready to go or not go as --

4 CHAIRPERSON JENNINGS: Would 10:00 o'clock in the
5 morning be unreasonable?

6 MS. LEVINE: Jill Levine.

7 Not all the polls open at 9:00. Just certain
8 ones open at 9:00. Some open at 10:00.

9 The malls all open at 10:00.

10 PANEL MEMBER GUTIERREZ: So the answer is, yes,
11 10 would be reasonable?

12 MS. LEVINE: Ten would be reasonable, yes.

13 PANEL MEMBER GUTIERREZ: Thank you.

14 MR. HAWKINS: And we do have our own procedures
15 of course on how to operate the equipment and the polling
16 place. And we've done that in conjunction with Lou and
17 with Avante and with -- we have staff that have been
18 dedicated to this process exclusively for the last several
19 weeks. So it's not that there aren't any operating
20 procedures. It's just the procedures that you have before
21 you there that we haven't quite -- that we haven't
22 thoroughly reviewed those either. We just received them
23 as well.

24 MR. DEDIER: Not from me.

25 PANEL MEMBER TROUT: The date on them is

1 September 11th. Is there a reason that it took four weeks
2 to get them to us?

3 MR. DEDIER: I think the only thing was the
4 vendor was -- what they did was that's the day that they
5 created them. What they were doing was going through,
6 trying to make sure -- what we've had -- the next items
7 that you're going to see on the agenda, people that are
8 putting together procedures aren't referencing California
9 Codes. I have a feeling that this vendor kind of, so to
10 speak, had slipped on so many of the different testings
11 and had to come back and forth, that they wanted to ensure
12 that they were good quality procedures before they turned
13 them in the first time. Which I can greatly appreciate,
14 because I have a frustration level with a few of the
15 vendors out there that have given me procedures that
16 aren't even specific to California Code and reference
17 outside the box of California completely and are very
18 lacking.

19 So I haven't reviewed these, but I believe that's
20 why they were lacking in getting them here timely. What
21 they were doing was trying to ensure that they were
22 correct the first time, so not too many edits come out.

23 CHAIRPERSON JENNINGS: I appreciate that.

24 It would appear to me that we could word a motion
25 that would allow for those procedures to be reviewed and

1 approved by the Elections Division, and that I would have
2 an opportunity as Chairman to review their findings at
3 8:30 or so on Tuesday morning.

4 And if the motion would include and give me the
5 authority to go ahead and approve those procedures
6 specifically for the 10-day period, with a report to come
7 back to us as to the results of this program in general.

8 Are the members of the panel comfortable with
9 that?

10 Don't nod all at once.

11 (Laughter.)

12 PANEL MEMBER GUTIERREZ: Well, I'll be happy to
13 make the motion to that effect. And if you get a second,
14 it sounds like you've got three votes at that point.

15 PANEL MEMBER TROUT: And I think it just depends
16 on how narrow we want to craft the motion. I think we can
17 all come up with something that will allow this test to go
18 forward for those 10 days. And I'm certainly, you know,
19 willing to go along with that. And I'm comfortable with
20 staff reviewing the procedures and having the Chair
21 approve them for this 10 day period alone. I think I'm
22 comfortable. I have confidence in you guys to be able to
23 do that.

24 I just want to make sure that we have -- you
25 know, that this is not a full certification, that this is

1 just for this election only; that there could be no use of
2 this system until we review the results of the election,
3 and also have a full review by the full Board of those
4 procedures, so that we can then go forward. Because I
5 think -- you know, I think we're going to be able to get
6 there. I just think that we're short of time right now
7 and we're trying to get this done too quickly.

8 So I would support that as long as we keep it
9 narrowed to this one election in Sacramento County only;
10 and that upon review of that after the election and review
11 of the procedures, that we find acceptable, and I'd be
12 willing to support that.

13 CHAIRPERSON JENNINGS: All right. Thank you.

14 Mr. Mott-Smith.

15 PANEL MEMBER MOTT-SMITH: I'd like to make a
16 motion, which is basically to move the staff
17 recommendation, Item 1, Item 2, which is basically a
18 finding, Item 2, that the system be certified subject to
19 the following conditions:

20 a) that the vendor agree to report to the
21 Secretary of State any problem or issue in any
22 installation anywhere, not just in California. We'd like
23 to track what issues there are so that we can improve the
24 overall process in California.

25 b) That the certification be only for early

1 voting and only in Sacramento for this one-time
2 experience.

3 And I would parenthetically say that I would
4 not -- I'm sort of in Chon's camp there. I would not
5 extend the current machine past an early voting
6 environment because of its weight. But it would be for --
7 the certification would be for this one election and for
8 review after that election.

9 c) That the applicant develop in conjunction with
10 Secretary of State and the county a survey tool to gauge
11 both poll worker and voter response to the system.

12 d) That the printed version of the ballot not be
13 physically accessible, which I think we've talked about.

14 e) That the Secretary participate in giving
15 approval to the acceptance test procedure.

16 f) That for purposes of the early voting program
17 for Sacramento County's election that the procedures that
18 have been submitted by the applicant be reviewed by
19 Elections Division staff and approved by the Chair of the
20 Voting Systems Panel prior to use on Tuesday.

21 And that I don't think it needs to be said that
22 it's a -- we're only approving it for this one time. But
23 that essentially we would not go further without approval
24 of the procedures for the future.

25 g) That those further procedures be submitted to

1 us and approved within 90 days if the applicant wants to
2 go forward with the application.

3 h) That it's clearly stated that the automated
4 language conversion software is not to be used without
5 review. And,

6 i) That the provisional -- since we do have a
7 provisional election voting, that there be some sort of a
8 backup operating system in case it fails.

9 I do want to point out -- that's the motion.

10 I do want to point out that, worst case, if this
11 fails, is that people vote on election day. We are
12 looking at an early voting environment in that sense. But
13 I think and I hope that that's captured Chon's and Steve's
14 and your interests.

15 CHAIRPERSON JENNINGS: I have a motion on the
16 floor.

17 And thank you, John. That was very well put.

18 And did it meet all of your concerns?

19 PANEL MEMBER TROUT: Can I make one suggestion in
20 G, that instead of saying that they provide us with
21 procedures within 90 days, that they provide us procedures
22 at least 45 days prior -- or at least 60 days prior to
23 reconsideration of full certification. So that we have
24 those -- we have to have the procedures before they're
25 even scheduled for full certification.

1 CHAIRMAN JENNINGS: Would you like to modify your
2 motion?

3 PANEL MEMBER MOTT-SMITH: That's fine.

4 CHAIRPERSON JENNINGS: So modified.

5 Do I have a second to this motion?

6 PANEL MEMBER MOTT-SMITH: Somebody record that?

7 PANEL MEMBER GUTIERREZ: Second.

8 CHAIRPERSON JENNINGS: Seconded by Mr. Gutierrez.

9 Do we have any other discussion?

10 PANEL MEMBER GUTIERREZ: I do.

11 CHAIRPERSON JENNINGS: Okay. Mr. Gutierrez.

12 PANEL MEMBER GUTIERREZ: Thank you.

13 John, that was very helpful. Appreciate it.

14 Thank you.

15 Lou, thank you for volunteering, you giving up
16 your weekend and your holidays. And I know that
17 Sacramento County appreciates that.

18 I would encourage the vendor highly -- maybe
19 that's not the word -- to be available to Lou through that
20 whole weekend to make sure that if he has any questions,
21 somebody can immediately answer them. Otherwise, it could
22 very well be that we can't meet that deadline of 10:00
23 o'clock on Tuesday.

24 CHAIRPERSON JENNINGS: Thank you.

25 Lou, if you would, would you work with my

1 assistant Dori to schedule a meeting to 8:30 on Tuesday
2 morning. At 9:00 o'clock we have executive staff meeting.
3 I would want to get this decision made prior to that.

4 MR. DEDIER: Yes, sir.

5 CHAIRPERSON JENNINGS: Thank you.

6 PANEL MEMBER TROUT: Just one confirmation.

7 I just want to make sure that this is a one-time
8 approval for Sacramento County solely for this 10-day
9 period and nothing beyond that. This system is not
10 certified for any use other than the one time in
11 Sacramento County for those 10 days.

12 PANEL MEMBER GUTIERREZ: We need to modify the
13 motion?

14 CHAIRPERSON JENNINGS: I don't think so.

15 PANEL MEMBER TROUT: I think that's what John
16 said, but I just wanted to make sure.

17 PANEL MEMBER GUTIERREZ: You want to make sure
18 you're clear on that, right?

19 PANEL MEMBER TROUT: I just want for the record
20 to make sure that that's where we're at.

21 CHAIRPERSON JENNINGS: All right.

22 Any other comments?

23 Do we have any comments from the audience?

24 If not, I'll call for the vote.

25 All in favor of the motion signify by saying aye.

1 (Ayes.)

2 CHAIRPERSON JENNINGS: Opposed, same sign.

3 Then the motion is carried.

4 So we'll move on to the next item.

5 Item Number 4, operating procedures for the Hart
6 eSlate and Ballot on Demand.

7 MR. DEDIER: The Hart eSlate presented their
8 procedures. Their procedures went to the Advisory
9 Committee.

10 They were so lacking in content that basically
11 they were sent back to the vendor immediately from the
12 Advisory Committee meeting.

13 First off, they submitted procedures for optical
14 scan and the eSlate together, which basically they've
15 stated in their certification that the system would be
16 sold separately. So you need to do one to operate the
17 other.

18 So those procedures, I'd like to move that item
19 to the next VSP meeting if the vendor is able to comply
20 with procedures. At this point they have still not
21 submitted the new version.

22 CHAIRPERSON JENNINGS: Well, there's no need for
23 a motion for that. We can simply direct you to do that.

24 Are there any comments from the members of the
25 panel?

1 PANEL MEMBER MOTT-SMITH: Just one.

2 I'm taking a sense of this Board that it wants to
3 have similarly 60 days -- what was it, 60 days or 45
4 days --

5 MR. DEDIER: I would love to add 45 days in
6 advance to be able to give you guys the procedures. As it
7 sits, these seem to be the items that the vendors tend to
8 lag on, as you can see. It's frustrating to me at the
9 same time because the procedures are a critical component
10 that the system can fail.

11 CHAIRPERSON JENNINGS: Well, it reminds me of IT
12 projects.

13 (Laughter.)

14 CHAIRPERSON JENNINGS: We ask for documentation.
15 And they are sadly lacking and very untimely. It's been
16 my history anyway.

17 PANEL MEMBER MOTT-SMITH: We would take that as
18 general direction to require those 45 days before --

19 MR. DEDIER: Forty-five days. That's fine. That
20 would be wonderful. I will address that to each vendor,
21 that they're 45 days before the meeting, or otherwise they
22 will be placed off to the next meeting.

23 PANEL MEMBER REYNOLDS: Is there something that
24 would make that standard operating procedure for the
25 process that this panel follows?

1 PANEL MEMBER MOTT-SMITH: That's what we just
2 did.

3 PANEL MEMBER TROUT: We should probably build it
4 into the calendar that we've got.

5 PANEL MEMBER GUTIERREZ: And we have time to work
6 on these procedures. I'd like you to consider a whole
7 different strategy. Let's see the procedures first. Then
8 we'll test the equipment.

9 MR. DEDIER: Actually me and John have been
10 talking about that. And what we've done was -- the
11 procedure review has been given to Robert Neagle as well.
12 So at the time they present for testing, we now use those
13 procedures in the testing. And Robert Neagle immediately
14 starts a review. And I pass them out to the Advisory
15 Committee at the same time.

16 So we're trying to take new direction. Yet
17 sometimes the vendors are so strapped trying to make money
18 off the get-go come-out-of-the-gate that -- kind of the
19 procedures is something, just like a project plan, and all
20 the companies tend to sell equipment and don't have a
21 project plan on how to implement it. And they show up
22 with the equipment at your doorstep. And then they're
23 talking about creating a plan as they go.

24 So I think we can get them then. But that
25 direction will help me greatly.

1 CHAIRPERSON JENNINGS: Any other comments?

2 Move on to Item Number 5.

3 PANEL MEMBER TROUT: Real quick, Mr. Chairman.

4 Do we have procedures for the INK A vote system
5 that's up on October 30th yet?

6 MR. DEDIER: Yes, we do. We had just gotten
7 those in. And Robert Neagle is currently under review,
8 and the Advisory Committee as well.

9 PANEL MEMBER TROUT: Very good. So we can go
10 forward with that October 30 meeting then?

11 MR. DEDIER: Yes, we can.

12 CHAIRPERSON JENNINGS: Item Number 5, operating
13 procedures for the Advanced Voting Solutions Win Vote.

14 MR. DEDIER: Same type of situation. The
15 Advisory Committee took a look at them. And right in the
16 very first statement they talked about straight party
17 voting, immediately off the -- right off the beginning,
18 right in the middle of the procedures talked about how the
19 straight party vote and how candidates allow it to do so.

20 There was no reference to California Codes, so
21 the Advisory Committee asked that the vendor go back. And
22 they sent them a code book, so that way they could read
23 California Code to basically address their procedures
24 appropriately for California.

25 And I might note that at the same time we do give

1 a sample template of all the procedures, and basically a
2 guideline to follow, to the vendors, that basically states
3 out California Code.

4 It's just simply -- what they're doing is they do
5 a cut-and-paste out of their manuals and try to throw
6 something together, rather than sitting down and doing it.

7 So their procedures have been tossed back to
8 them. And they have not come forward with new ones.

9 CHAIRPERSON JENNINGS: And they'll be
10 rescheduled?

11 MR. DEDIER: Yes, they will.

12 CHAIRPERSON JENNINGS: Thanks.

13 All right. With that, our final item of business
14 is a demonstration of Sequoia Edge modifications.

15 That's simply a demonstration, is it not?

16 MR. DEDIER: Yes. At this time, I wanted the --
17 Sequoia's came forward with some changes they've made to
18 their system. At this point we haven't made whether these
19 changes would be administrative. But I'd like to see the
20 panel take a look at the changes, and at that point I'll
21 be able to produce a report.

22 But I'd like to get your guys' feel on the system
23 and the changes. I've taken a look at and Robert Neagle
24 has, and we just felt the changes were -- they were more
25 voter driven. No change in accuracy or ability of the

1 system's operation. They're only enhancements that
2 increase the voters' flexibility at the ballot and
3 presentation.

4 So I just wanted to give you the opportunity to
5 see what's new out on the market and have you take a look
6 at it.

7 CHAIRPERSON JENNINGS: And no action is taken by
8 this body today?

9 MR. DEDIER: No action is needed.

10 CHAIRPERSON JENNINGS: With that, do we have any
11 other items of business? Anything else we need to
12 discuss?

13 Do we have any comments from the audience?

14 If not, then what we'll do is adjourn for next
15 meeting, October 30th. And we'll go ahead with this
16 demonstration.

17 And I understand, John, you have an Avante system
18 up and going?

19 MR. BURNS: Yes, we do.

20 CHAIRPERSON JENNINGS: Thank you. We'll take a
21 look at that as well.

22 All right. Thank you very much.

23 (Thereupon the Secretary of State, Voting
24 Systems Panel adjourned at 11:30 a.m.)

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Secretary of State, Voting Systems Panel meeting
7 was reported in shorthand by me, James F. Peters, a
8 Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 3rd day of November, 2002.

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